



Order Filed on December 18, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

FORMAN HOLT
365 West Passaic Street, Suite 400
Rochelle Park, NJ 07662
(201) 845-1000
Attorneys for Debtor
Erin J. Kennedy, Esq.
ekennedy@formanlaw.com

In Re:

JOSE TOBAR-VALLE,

Debtor.

Case No.: 23-15001 (VFP)

Chapter 11

Judge: Hon. Vincent F. Papalia

Hearing Date: December 12, 2023

Hearing Time: 10:00 a.m.

**ORDER DENYING FIRST BANK'S MOTION TO DISMISS
OR CONVERT CASE PURSUANT TO 11 U.S.C. § 1112(b)**

The relief set forth on the following page is hereby **ORDERED**.

DATED: December 18, 2023



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor(s) Jose Tobar-Valle
Case No. 23-15001 (VFP)
Caption Order Denying First Bank's Motion to Dismiss or Convert Case Pursuant to
11 U.S.C. § 1112(b)

THIS MATTER having come before the court by way of Motion to Dismiss or Convert Case Pursuant to 11 U.S.C. § 1112(b) filed by First Bank (the "Motion"); and the Debtor having filed opposition to the Motion; and the Court having heard oral argument on the Motion and considered the positions of the parties and the issues presented; and due notice having been given; and for the reasons set forth on the record on December 12, 2023; and for good cause shown, it is hereby

ORDERED that the Motion is denied without prejudice; and it is further

ORDERED that Debtor shall file either 1) his Plan and Disclosure Statement and/or 2) a proposal regarding the sale for liquidation of 58 Llewellyn Avenue, West Orange, New Jersey, 45 Llewellyn Avenue, West Orange, New Jersey and 472 Glebe Street, Orange, New Jersey, in each case, as soon as practicable, but in no event later than April, 3, 2024, unless such time period is extended for good cause shown on motion filed and properly served no later than March 29, 2024; and it is further

ORDERED that in the event Debtor fails to make the required filing as set forth in the preceding Paragraph, then First Bank may renew the Motion and again seek dismissal or conversion of the instant matter.

In re:
Jose Tobar Valle
Debtor

Case No. 23-15001-VFP
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Dec 18, 2023

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 20, 2023:

Recip ID	Recipient Name and Address
db	+ Jose Tobar Valle, 39 Condit Terrace, West Orange, NJ 07052-4811
aty	+ Forman Holt, 365 West Passaic Street, Suite 400, Rochelle Park, NJ 07662-3005

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 20, 2023 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 18, 2023 at the address(es) listed below:

Name	Email Address
Danielle Cohen	on behalf of Creditor CAMPBELL FOUNDRY COMPANY dcohen@tesseractcohen.com jgalano@tesseractcohen.com
Denise E. Carlon	on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY as Trustee for INDYMAC INDX MORTGAGE LOAN TRUST 2007-AR7 MORTGAGE PASS-THROUGH CERTIFICATES Series 2007-AR7 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Erin Kennedy	on behalf of Plaintiff Jose Tobar Valle ekennedy@formanlaw.com jkisl@formanlaw.com
Erin Kennedy	on behalf of Debtor Jose Tobar Valle ekennedy@formanlaw.com jkisl@formanlaw.com
Kenneth Borger, Jr	on behalf of Creditor LakeView Loan Servicing LLC kborger@raslg.com

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Date Rcvd: Dec 18, 2023

Form ID: pdf903

Total Noticed: 2

Matthew K. Fissel

on behalf of Creditor Wells Fargo Bank N.A. wbecf@brockandscott.com, matthew.fissel@brockandscott.com

Michael A. Artis

on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov

Rebecca K. McDowell

on behalf of Creditor First Bank rmcdowell@slgcollect.com anovoa@slgcollect.com

Robert L. Saldutti

on behalf of Creditor First Bank rsaldutti@saldutticollect.com lmarciano@saldutticollect.com;kcollins@slgcollect.com

Steven Eisenberg

on behalf of Creditor Caliber Home Loans Inc. bkecf@sterneisenberg.com,
jmcnally@sterneisenberg.com;skelly@sterneisenberg.com;bkecf@sterneisenberg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

Virginia T. Shea

on behalf of Creditor Selective Insurance Company of America vshea@mdmc-law.com gbreessler@mdmc-law.com

TOTAL: 12